

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Marcia Melendez, Jarican Realty Inc.,  
1025 Pacific LLC, Ling Yang, Top East  
Realty LLC, and Haight Trade LLC,

*Plaintiffs,*

v.

The City of New York, *a municipal entity*,  
Bill de Blasio, *as Mayor of the City of New York*,  
Louise Carroll, *Commissioner of New York City  
Department of Housing Preservation &  
Development*, and Jonnel Doris, *Commissioner of  
New York City Department of Small Business  
Services*,

*Defendants.*

Civ. No. 20-cv-5301 (RA)

**Oral Argument Requested**

**NOTICE OF MOTION FOR PRELIMINARY INJUNCTIVE  
AND DECLARATORY RELIEF**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the declarations and exhibits submitted herewith, and all prior papers and pleadings previously filed herein, Plaintiffs Marcia Melendez, Jarican Realty Inc., 1025 Pacific LLC, Ling Yang, Top East Realty LLC, and Haight Trade LLC, by and through their undersigned counsel, Patterson Belknap Webb & Tyler LLP, hereby move this Court at the Courthouse located at 40 Foley Square, New York, New York, 10007, for an order pursuant to Federal Rule of Civil Procedure 65, 28 U.S.C. § 2201, and 42 U.S.C. § 1983, granting Plaintiffs the following relief: 1) granting Plaintiffs’ motion for preliminary injunctive and declaratory relief; 2) enjoining the Defendants from enforcing New York City Local Law 53 of 2020 (the “Commercial Harassment Law”), Local Law 56 of 2020 (the “Residential Harassment Law”) and Local Law 55 of 2020 (the “Guaranty Law”); 3) declaring that the Commercial Harassment Law and the Residential

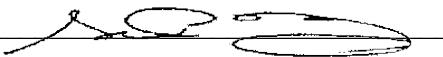
Harassment Law, as applied to Plaintiffs, violate the First Amendment to the U.S. Constitution and the Free Speech Clause of the New York State Constitution; 4) declaring that the Guaranty Law violates the Contracts Clause of the U.S. Constitution; 5) declaring that the Commercial Harassment Law and the Residential Harassment Law violate the Due Process Clause of the U.S. Constitution; 6) declaring that the Commercial Harassment Law, the Residential Harassment Law, and the Guaranty Law are preempted by New York State law; and 7) granting Plaintiffs' their legal fees and expenses together with such further relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to an agreed schedule so ordered by this Court on July 17, 2020, any opposition papers to this Motion shall be served by no later than three weeks from the date of this Motion and any reply papers shall be filed no later than ten days thereafter.

Plaintiffs hereby request oral argument on this Motion.

Dated: July 22, 2020  
New York, New York

Respectfully submitted,

By: 

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